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# THE SOUTH CAROLINA HISTORICAL AND GENEALOGICAL MAGAZINE

VOL. XXI

OCTOBER, 1920

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No. 4

## A BILL OF COMPLAINT IN CHANCERY, 1700

Contributed by MABEL L. WEBBER

The following rather amusing and unusual bill of complaint was copied from a paper found among some unindexed documents in the office of the Clerk of Court, Charleston, S. C.

Most of the people mentioned were prominent at that period; Thomas Cary and John Danson were sons-in-law of Governor Archdale, Cary being at one time a member of Council (McCrary, Vol. 1). George Dearlsey was a member of Council in 1697, and a large land owner, had several holdings in Christ Church parish (see page 73); he made his will June 20, 1702, and mentions Patrick Logan, son of George Logan Esq; to whom he leaves negroes, and two of four lots in Charles Town purchased of John Barksdale, George Logan the brother of Patrick to inherit in case Patrick die; leaves to Susannah Cornish household goods and plantation (goods?) whatsoever in Carolina, two negroes and 200 acres at Boowatt purchased of John Nix; to her daughter Ann, under age, four negroes; To Edward, son of Susannah Turlow, four negroes and one town lot, and plantation of 400 acres at Wap-petaw; to his sister Elizabeth Quelch and her heirs, plantation where he lived, with all buildings, stock and 10 negroes. To friend George Logan Esq; horse and negro boy Buckingham, said George Logan to be sole executor.

The fourth part of the briganteen *Mayflower* which he owns to be sold on her return to Carolina to pay for the finishing of the

ship he is now building for his father Richard Dearsley in Barbadoes, but if the said vessell make a profitable voyage, then after debts are paid, one half to father Richard Dearsley, Esq; and in case of his death to brother and sisters in law equally divided; one fourth to sister Elizabeth Quelch and the other to be divided equally between Susannah Cornish and her daughter and Susannah Turlow's son Edward.

Witnesses were Robert Dacres, Wm. Allen, John Morgan and Anth'y Mathews; Examined April 20, 1704 (or 9?) and recorded July 6, 1719. (Probate Court 1711-18, page 60.)

George Hearne was a bondsman for Frances Betterson, widow of William Betterson, May 9, 1705 (This *Magazine*, vol. xii, 213).

Robert Dacres "late of the Province of Carolina, bachelor" died intestate; administration was granted 28 April, 1707 to Robert Johnson, Esq; attorney for Hon. Thos. Broughton, Dame Mary Dacres, mother of the defunct, first renouncing (*Ibid* vol. iv, 236).

#### SOUTH CAROLINA.

Filed in ye Secret<sup>y</sup>. Office

May ye 8th, 1700

To the Right Hon<sup>ble</sup> Joseph Blake Esq<sup>r</sup>. Govern<sup>r</sup>. And One of the Lords Proprietors of Carolina, and to the Hon<sup>ble</sup>. the Gentlemen of the Councill being the High Court of Chancery for this Province.

Humbly Complaining Sheweth unto ye Hon<sup>bls</sup> Your Orator Robert Dacres of Carolina Gent. That on or about the thirteenth day of January 1698/9 Your Orator being on board of a Ship to take leave of Some friends, And being there Overtaken in drinke coming home One George Hearne came into Comp<sup>a</sup>. w<sup>th</sup>. Your Orator and Invited him to his the sd. Hearne's house, And there perceiving Yr Orator's Disorder, He took that Opportunity to tempt Yr. Orator to play, And so wone of Yr. Orator the Summe of fifty-Nine pounds, and accordingly gott Yr. Orator being So in drinke to Sign a Note or bill Under his hand to pay the Sd. Hearne the Said summe of ffivety Nine pounds, And in Some few days afterwards, he the sd. Hearne demanded the sd. Summ of ffivety Nine pounds of Yr. Orator, But your Orator not remember-that he was in the Comp<sup>a</sup>. of the sd Hearne, Or had played with

him Or had given any Note or bill for the sd Summ of ffivety Nine pounds refused the payment of the Same, Whereupon upon the sd Hearne Relating how he had won moneys of yr Orator to Coll<sup>n</sup> Thomas Cary & Mr. John Danson of Carolina Merch'ts: They the sd Cary and Danson acquainting yr Orator with the Same, did propose to yr Orator that if he would Venture five pounds they would play off the sd Note for £59:—wth the said Hearne, And win the Same back again for yr Orator, And take up yr Orator's Note, Which Yr Orator consenting to, and Engaging to pay the sd Cary & Danson—if they Lost so farr as five pounds Upon this Consideration, That what they wone of the sd Hearne, it should be to the discharging of yr Orators Note of £59—as aforesaid, And upon this Consideration the sd Cary & Danson played wth the sd Hearne, and wonn of him to ye ffule Value of £59 in discharge of yr Orators Note, together with more Monys for themselves, But the sd Cary & Danson after having wonn of the sd. Hearne as aforesaid, pretended to yr. Orator that they could nott gett his Note for the sd Summ of £59; from the sd Hearne, Excepting yr Orator (for a Colour) would give a Note Either to ye sd. Cary or Danson for the Summ of £59;—And accordingly the sd. Cary drew a bill for ffivety Nine pounds payab'le to the sd Danson Who both of them promised yr. Orator it should not be made use of against him, but that the same should be given up to yr Orator when desired, And yr Orator confiding in the Promises of the sd Cary & Danson, accordingly Signed the same, and had the Note for £59 pay<sup>ble</sup> to the sd. Hearne delivered to him, But so it is may it please yr Hon<sup>rs</sup>. that the sd Danson being bound on a Voyage to England on Or about the Latter End of, the Sd. Month of february or beginning of March 1698/9 Yr Orator desired y sd. Danson to give him up the sd Note for £59: so Obtained as aforesaid, According to his the sd Danson and Cary's Promises to ye sd Orator. And the sd. Danson replied that he had put the sd Note into the hands of the sd Coll<sup>n</sup> Cary and further say'd that the said Cary would deliver yr. Orat<sup>r</sup> the said Note when desired, When in truth the said Danson had not delivered the sd Note to the sd Cary, but had delivered the syne to Maj<sup>r</sup>. George Dearsly with Power and Directions to put sd Note in Suite, against yr Orator, as soon as he the sd Danson was gone off, Which the sd. Maj<sup>r</sup>. Dearsley

Accordingly did, in the Name of the sd. Danson by causing Writts to be prosecuted against yr Orator, who was arrested upon the Same on or about the 22th day of March 1699/00—in an action of Debt for ffivety Nine pounds, And a Declaration upon the Same filed against yr. Orator the fifth day of Aprill 1699 in the Court of Common Please of this Province, as by the Records of the same doth appear, all which practices of the sd Danson are Contrary to all Rights, Equity, and good Conscience, In tender Consideration whereof, And for as much as yr Orator is not relievable in the promises by the Strict Rules of the Common Law, but is altogether remediless in the same, Unless by the Aid of this Hon<sup>ble</sup>. Court, yr. Orator may have A Particular discovery thereof by the Corporable Oaths of the sd John Danson Thomas Cary, and yr. sd. George Hearne, who are well known and are Satisfied of the Truth of all and Singular the promises before Sett forth, who when they doe answer to these Upon Oath, must & will discover the same, To the End therfore that the sd. Confederators Danson Cary and Hearne, and Every of them may Sett fforth upon what Consideration the sd. Note of £59: pay<sup>bl</sup>. by yr. Orator to ye sd Danson was given, And if the Same was for the moneys Lent of Goods & Merchandise sold and Delivered, or any other Lawfull Consideration, And if the same was not Obtained from yr. Orator as above sett fforth, and Upon noe Other Consideration whatsoever.

May it Please Yr. Hon<sup>ls</sup> to grant unto yr. afors<sup>d</sup> Orator the Writt or Writts of Supoena to be directed to the sd. John Danson, Thos. Cary & George Hearne, commanding them & Every of them att a Certain day, and Under a certain Penalty, there in to be Limited personally to be and appear before yr Hon<sup>rs</sup>. Court then and there to make direct Answer upon Oath to Every Clause and Article in this yr. Orators bill of Complaint, as fully as if the Same had againe been reported and interrogated, And further to stand to and abide such Order & Decree therein, as to yr. Hon<sup>s</sup>. shall seem just w<sup>th</sup>. Equity.

And also the writt of Injuction injoying him the sd. John Danson, his Councill<sup>s</sup>. Attorneys & Sollicitors, to Stay & Surcease all further prosecution upon the Note or bill, and that there be noe further proceedings on the Same, untill Other Orders shall be taken therein by Yr. Honr<sup>s</sup>. And that y<sup>r</sup> Orator by Decree of

this Hon<sup>ble</sup> Court may be fully relieved in the Promise According  
as to y<sup>r</sup> Hon<sup>r</sup>. in Your Wisdom shall seem meet, agreeable to  
Equity and good Conscience.

And Y<sup>r</sup>. Orator as in Duty bound

Shall Every pray &c

Nicholas Trott for y<sup>e</sup> Compl<sup>t</sup>:

*Endorsed:*

Bill of Complaint

Dacres Vs Danson

Bill in Chancery

1700

Trott.